

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF OREGON

**MOISES SANCHEZ-LLAMAS,**

Petitioner,

v.

**BRIAN BELLEQUE,**

Respondent.

**Civ. No. 6:11-cv-01310-TC****OPINION AND ORDER****MCSHANE, Judge:**

Petitioner filed this petition, ECF No. 2, for habeas corpus pursuant to 28 U.S.C. § 2254, challenging his various convictions<sup>1</sup> because they relied, at least in part, on an insufficient waiver of *Miranda* rights and otherwise involuntary (i.e., coerced) statements. Respondent, in response, *see, e.g.*, ECF No. 29 & 59, moves this Court to deny the petition because the underlying state court's suppression denial was based upon reasonable factual determinations and a reasonable application of Supreme Court precedent. Judge Thomas M. Coffin issued a Findings and Recommendation (F & R) on February 14, 2014. This matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

This Court reviews all portions of the F & R subject to objection *de novo*. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Bus. Machs. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner timely filed objections to the F & R. Upon review, this Court finds no error

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<sup>1</sup> Petitioner was convicted of Attempted Murder, Attempted Aggravated Murder, Assault in the First Degree, Unlawful Use of a Weapon, Burglary in the First Degree, and Unlawful Possession of a Short-Barreled Shotgun. *See* Findings & Recommendation 1, ECF No. 60.

in Judge Coffin’s F & R, ECF No. 60. As indicated in the F & R, the Antiterrorism and Effective Death Penalty Act of 1966 (AEDPA) establishes a “highly deferential standard for evaluating state court rulings.” Although this Court may disagree with the underlying state court’s decision, this Court is unable to find that the state court’s application of the law was “objectively unreasonable” or that the state court’s findings of fact were “actually unreasonable.” *See, e.g., Sanchez-Llamas v. Oregon*, 548 U.S. 331, 361 (2006) (Ginsburg, J., concurring in judgment) (“Sanchez-Llamas, with his life experience in the United States, scarcely resembles the uncomprehending detainee . . .”).

### **CONCLUSION**

This Court ADOPTS Judge Coffin’s F & R, ECF No. 60, in full. Petitioner Moises Sanchez-Llamas’s petition, ECF No. 2, is DENIED.

IT IS SO ORDERED.

DATED this 30th day of May, 2014.

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s/Michael J. McShane  
**Michael J. McShane**  
**United States District Judge**